

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**      **S.F. No. 943**

**(SENATE AUTHORS: INGEBRIGTSEN)**

DATE	D-PG	OFFICIAL STATUS
03/21/2011	602	Introduction and first reading Referred to Environment and Natural Resources
04/14/2011	1314a	Comm report: To pass as amended and re-refer to State Government Innovation and Veterans
04/28/2011	1454a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
05/09/2011	1798a	Comm report: To pass as amended and re-refer to Finance
05/12/2011	1986	Comm report: To pass
	1992	Second reading
05/14/2011	2044a	Special Order: Amended
	2045	Third reading Passed
05/19/2011	2933	Returned from House with amendment
	2934	Senate not concur, conference committee of 3 requested
05/20/2011	3029	Reconsidered Senate not concur, conference committee of 5 requested
	3030	Senate conferees Ingebrigtsen; Carlson; Gazelka; Skoe; Hall
05/21/2011	3042	House conferees Hackbarth; Buesgens; Drazkowski; McNamara; Dill
05/23/2011	3403c	Conference committee report, delete everything Senate adopted CC report and repassed bill
	3432	Third reading
	3437	House adopted SCC report and repassed bill

A bill for an act

1.1 relating to game and fish; modifying aquaculture provisions; modifying  
1.2 compensation and assistance provisions for crop damage by elk; modifying  
1.3 requirements for fish and wildlife management plans; modifying provisions  
1.4 for taking, possessing, and transporting wild animals; modifying certain  
1.5 acquisition procedures; modifying penalty and license provisions; modifying  
1.6 invasive species control provisions; limiting landowner liability for state  
1.7 walk-in access program; requiring rulemaking; providing criminal penalties;  
1.8 amending Minnesota Statutes 2010, sections 3.7371, subdivisions 1, 3; 17.4982,  
1.9 subdivisions 8, 12, 13, by adding a subdivision; 17.4991, subdivision 3; 17.4994;  
1.10 84.942, subdivision 1; 84.95, subdivision 2; 84D.08; 84D.11, subdivision  
1.11 2a; 84D.14; 97A.015, subdivisions 24, 49, 52, 55; 97A.028, subdivision 3;  
1.12 97A.101, subdivision 3; 97A.145, subdivision 2; 97A.311, subdivision 5;  
1.13 97A.321, subdivision 1; 97A.331, by adding a subdivision; 97A.405, subdivision  
1.14 2; 97A.415, subdivision 2; 97A.425, subdivision 3; 97A.433, by adding a  
1.15 subdivision; 97A.435, subdivision 1; 97A.445, subdivision 1a; 97A.475,  
1.16 subdivisions 2, 3, 7; 97A.505, subdivision 2; 97A.545, subdivision 5; 97B.022,  
1.17 subdivision 2; 97B.031, subdivision 5; 97B.041; 97B.055, subdivision 3;  
1.18 97B.075; 97B.106, subdivision 1; 97B.325; 97B.405; 97B.515, by adding a  
1.19 subdivision; 97B.711, by adding a subdivision; 97B.803; 97C.005, subdivision  
1.20 3; 97C.081, subdivision 3, by adding a subdivision; 97C.087, subdivision 2;  
1.21 97C.205; 97C.311, subdivision 1; 97C.341; 604A.21, by adding a subdivision;  
1.22 proposing coding for new law in Minnesota Statutes, chapters 17; 97B; repealing  
1.23 Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, 4; 97A.015,  
1.24 subdivisions 26b, 27b, 27c; 97A.435, subdivision 5; 97B.511; 97B.515,  
1.25 subdivision 3; 97C.081, subdivision 2.

1.27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.28 Section 1. Minnesota Statutes 2010, section 3.7371, subdivision 1, is amended to read:

1.29 Subdivision 1. **Authorization.** Notwithstanding section 3.736, subdivision 3,  
1.30 paragraph (e), or any other law, a person who owns an agricultural crop or pasture shall  
1.31 be compensated by the commissioner of agriculture for an agricultural crop, or fence  
1.32 surrounding the crop or pasture, that is damaged or destroyed by elk as provided in this  
1.33 section.

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2.1 Sec. 2. Minnesota Statutes 2010, section 3.7371, subdivision 3, is amended to read:

2.2 Subd. 3. **Compensation.** The crop owner is entitled to the target price or the  
2.3 market price, whichever is greater, of the damaged or destroyed crop plus adjustments  
2.4 for yield loss determined according to agricultural stabilization and conservation service  
2.5 programs for individual farms, adjusted annually, as determined by the commissioner,  
2.6 upon recommendation of the county extension agent for the owner's county. The  
2.7 commissioner, upon recommendation of the agent, shall determine whether the crop  
2.8 damage or destruction or damage to or destruction of a fence surrounding a crop or pasture  
2.9 is caused by elk and, if so, the amount of the crop or fence that is damaged or destroyed.  
2.10 In any fiscal year, ~~a crop~~ an owner may not be compensated for a damaged or destroyed  
2.11 crop or fence surrounding a crop or pasture that is less than \$100 in value and may be  
2.12 compensated up to \$20,000, as determined under this section, if normal harvest procedures  
2.13 for the area are followed. In any fiscal year, the commissioner may provide compensation  
2.14 for claims filed under this section up to the amount expressly appropriated for this purpose.

2.15 Sec. 3. Minnesota Statutes 2010, section 17.4982, subdivision 8, is amended to read:

2.16 Subd. 8. **Containment facility.** "Containment facility" means a licensed facility for  
2.17 salmonids ~~or~~ catfish, or species on the viral hemorrhagic septicemia (VHS) susceptible  
2.18 list published by the United States Department of Agriculture, Animal and Plant Health  
2.19 Inspection Services, that complies with clauses (1), (3), and (4), or clauses (2), (3), and (4):

2.20 (1) disinfects its effluent to the standards in section 17.4991 before the effluent is  
2.21 discharged to public waters;

2.22 (2) does not discharge to public waters or to waters of the state directly connected to  
2.23 public waters;

2.24 (3) raises aquatic life that is prohibited from being released into the wild and must be  
2.25 kept in a facility approved by the commissioner unless processed for food consumption;

2.26 (4) contains aquatic life requiring a fish health inspection prior to transportation.

2.27 Sec. 4. Minnesota Statutes 2010, section 17.4982, is amended by adding a subdivision  
2.28 to read:

2.29 Subd. 10a. **Fish collector.** "Fish collector" means an individual who has been  
2.30 certified under section 17.4989 to oversee the collection of fish samples from a facility or  
2.31 a water body for disease testing by a certified laboratory.

2.32 Sec. 5. Minnesota Statutes 2010, section 17.4982, subdivision 12, is amended to read:

3.1 Subd. 12. **Fish health inspection.** (a) "Fish health inspection" means an on-site,  
3.2 statistically based sampling, collection, and testing of fish in accordance with processes  
3.3 in the Fish Health Blue Book ~~for all lots of fish in a facility~~ or the Diagnostic Manual  
3.4 for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE)  
3.5 to test for causative pathogens. The samples for inspection must be collected by a fish  
3.6 health inspector or a fish collector in cooperation with the producer. Testing of samples  
3.7 must be done by an approved laboratory.

3.8 (b) The inspection for viral hemorrhagic septicemia (VHS), infectious pancreatic  
3.9 necrosis (IPN), and infectious hematopoietic necrosis (IHN) in salmonids and for VHS in  
3.10 nonsalmonids must include at ~~least~~ a minimum viral testing of ovarian fluids at the 95  
3.11 percent confidence level of detecting two percent incidence of disease ~~(ovarian fluids must~~  
3.12 ~~be sampled for certification of viral hemorrhagic septicemia and infectious hematopoietic~~  
3.13 ~~necrosis). Bacterial diseases must be sampled at the 95 percent confidence level with a~~  
3.14 ~~five percent incidence of disease. The inspection must be performed by a fish health~~  
3.15 ~~inspector in cooperation with the producer with subsequent examination of the collected~~  
3.16 ~~tissues and fluids for the detection of certifiable diseases.~~

3.17 (c) The inspection for certifiable diseases for wild fish must follow the guidelines of  
3.18 the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases.

3.19 Sec. 6. Minnesota Statutes 2010, section 17.4982, subdivision 13, is amended to read:

3.20 Subd. 13. **Fish health inspector.** "Fish health inspector" means an individual  
3.21 certified as a fish health inspector or an aquatic animal health inspector by the American  
3.22 Fisheries Society or state, federal, or provincial resource management agency, except  
3.23 that a certification may not be made by an inspector who has a conflict of interest in  
3.24 connection with the outcome of the certification.

3.25 Sec. 7. [17.4989] FISH SAMPLE COLLECTING.

3.26 Subdivision 1. **Training.** Fish collector training may be offered by any organization  
3.27 or agency that has had its class and practicum syllabus approved by the commissioner.  
3.28 The class and practicum must include the following components:

3.29 (1) accurate identification of licensed water bodies listed according to section  
3.30 17.4984 and ensuring that collection is taking place at the correct site;

3.31 (2) identification of fish internal organs;

3.32 (3) fish dissection and sample preparation as identified by the Department of Natural  
3.33 Resources based on specific testing requirements or as outlined in the Fish Health

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4.1 Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the  
4.2 International Office of Epizootics (OIE);

4.3 (4) recording and reporting data;

4.4 (5) sample preparation and shipping;

4.5 (6) a field collection site test to demonstrate mastery of the necessary skills, overseen  
4.6 by a certified fish health inspector; and

4.7 (7) a certificate of successful completion signed by a certified fish health inspector  
4.8 on a form provided by the commissioner.

4.9 Subd. 2. **Certification time period.** Fish collector certification is valid for five years  
4.10 and is not transferable. A person may renew certification only by successfully completing  
4.11 certification training. Certification shall be revoked if the certified person is convicted  
4.12 of violating any of the statutes or rules governing testing for aquatic species diseases.  
4.13 Certification may be suspended during an investigation associated with misconduct or  
4.14 violations of fish health testing and collection. The commissioner shall notify the person  
4.15 that certification is being revoked or suspended.

4.16 Subd. 3. **Conflict of interest.** A fish collector may not oversee the collection of fish  
4.17 from a facility or a water body when the collector has a conflict of interest in connection  
4.18 with the outcome of the testing.

4.19 Sec. 8. Minnesota Statutes 2010, section 17.4991, subdivision 3, is amended to read:

4.20 Subd. 3. **Fish health inspection.** (a) An aquatic farm propagating ~~trout, salmon,~~  
4.21 ~~or~~ salmonids, catfish, or species on the viral hemorrhagic septicemia (VHS) susceptible  
4.22 list published by the United States Department of Agriculture, Animal and Plant Health  
4.23 Inspection Services, and having an effluent discharge from the aquatic farm into public  
4.24 waters must have a fish health inspection conducted at least once every 12 months by a  
4.25 certified fish health inspector. Testing must be conducted according to ~~approved~~ laboratory  
4.26 methods of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal  
4.27 Diseases, published by the International Office of Epizootics (OIE).

4.28 (b) An aquatic farm propagating any species on the VHS susceptible list and having  
4.29 an effluent discharge from the aquatic farm into public waters must test for VHS virus  
4.30 using the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic  
4.31 Animal Diseases. The commissioner may, by written order published in the State Register,  
4.32 prescribe alternative testing time periods and methods from those prescribed in the Fish  
4.33 Health Blue Book or the OIE Diagnostic Manual if the commissioner determines that  
4.34 biosecurity measures will not be compromised. These alternatives are not subject to the

5.1 rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner  
5.2 must provide reasonable notice to affected parties of any changes in testing requirements.

5.3 (c) Results of fish health inspections must be provided to the commissioner for all  
5.4 fish that remain in the state. All data used to prepare and issue a fish health certificate must  
5.5 be maintained for three years by the issuing fish health inspector, approved laboratory, or  
5.6 accredited veterinarian.

5.7 (d) A health inspection fee must be charged based on each lot of fish sampled. The  
5.8 fee by check or money order payable to the Department of Natural Resources must be  
5.9 prepaid or paid at the time a bill or notice is received from the commissioner that the  
5.10 inspection and processing of samples is completed.

5.11 ~~(e)~~ (e) Upon receipt of payment and completion of inspection, the commissioner  
5.12 shall notify the operator and issue a fish health certificate. The certification must be made  
5.13 according to the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal  
5.14 Diseases by a person certified as a fish health inspector.

5.15 ~~(f)~~ (f) All aquatic life in transit or held at transfer stations within the state may  
5.16 be inspected by the commissioner. This inspection may include the collection of stock  
5.17 for purposes of pathological analysis. Sample size necessary for analysis will follow  
5.18 guidelines listed in the Fish Health Blue Book.

5.19 ~~(g)~~ (g) Salmonids and catfish, or species on the VHS susceptible list must have a  
5.20 fish health inspection before being transported from a containment facility, unless the  
5.21 fish are being transported directly to an outlet for processing or other food purposes or  
5.22 unless the commissioner determines that an inspection is not needed. A fish health  
5.23 inspection conducted for this purpose need only be done on the lot or lots of fish that will  
5.24 be transported. The commissioner must conduct a fish health inspection requested for this  
5.25 purpose within five working days of receiving written notice. Salmonids and catfish may  
5.26 be immediately transported from a containment facility to another containment facility  
5.27 once a sample has been obtained for a health inspection or once the five-day notice  
5.28 period has expired.

5.29 Sec. 9. Minnesota Statutes 2010, section 17.4994, is amended to read:

5.30 **17.4994 SUCKER EGGS.**

5.31 Sucker eggs may be taken from public waters with a sucker egg license endorsement;  
5.32 ~~which authorizes sucker eggs to be taken at a rate of one quart of eggs for each 1-1/2 acres~~  
5.33 ~~of licensed surface waters except that for intensive culture systems, sucker eggs may be~~  
5.34 ~~taken at a rate of two quarts per 1,000 muskellunge fry being reared~~ for the fee prescribed  
5.35 in section 97A.475, subdivision 29. The Taking of sucker eggs from public waters is

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6.1 subject to chapter 97C and may be supervised by the commissioner. The commissioner  
6.2 may limit the amount of sucker eggs that a person with a sucker egg license endorsement  
6.3 may take based on the number of sucker eggs taken historically by the licensee, new  
6.4 requests for eggs, and the condition of the spawning runs at those historical streams and  
6.5 rivers that have produced previous annual quotas.

6.6 Sec. 10. Minnesota Statutes 2010, section 84.942, subdivision 1, is amended to read:

6.7 Subdivision 1. **Preparation.** The commissioner of natural resources shall prepare  
6.8 ~~a comprehensive fish and wildlife management plan~~ plans designed to accomplish the  
6.9 policy of section 84.941. ~~The comprehensive fish and wildlife management plan shall~~  
6.10 ~~include a strategic plan as outlined in subdivision 2. The strategic plan must be completed~~  
6.11 ~~by July 1, 1986. The management plan must also include the long-range and operational~~  
6.12 ~~plans as described in subdivisions 3 and 4. The management plan must be completed by~~  
6.13 ~~July 1, 1988.~~

6.14 Sec. 11. Minnesota Statutes 2010, section 84.95, subdivision 2, is amended to read:

6.15 Subd. 2. **Purposes and expenditures.** Money from the reinvest in Minnesota  
6.16 resources fund may only be spent for the following fish and wildlife conservation  
6.17 enhancement purposes:

6.18 (1) development and implementation of the ~~comprehensive~~ fish and wildlife  
6.19 management ~~plan~~ plans under section 84.942;

6.20 (2) implementation of the reinvest in Minnesota reserve program established by  
6.21 section 103F.515;

6.22 (3) soil and water conservation practices to improve water quality, reduce soil  
6.23 erosion and crop surpluses;

6.24 (4) enhancement or restoration of fish and wildlife habitat on lakes, streams,  
6.25 wetlands, and public and private forest lands;

6.26 (5) acquisition and development of public access sites and recreation easements to  
6.27 lakes, streams, and rivers for fish and wildlife oriented recreation;

6.28 (6) matching funds with government agencies, federally recognized Indian tribes and  
6.29 bands, and the private sector for acquisition and improvement of fish and wildlife habitat;

6.30 (7) research and surveys of fish and wildlife species and habitat;

6.31 (8) enforcement of natural resource laws and rules;

6.32 (9) information and education;

6.33 (10) implementing the aspen recycling program under section 88.80 and for other  
6.34 forest wildlife management projects; and

7.1 (11) necessary support services to carry out these purposes.

7.2 Sec. 12. Minnesota Statutes 2010, section 84D.08, is amended to read:

7.3 **84D.08 ESCAPE OF NONNATIVE AND INVASIVE SPECIES.**

7.4 (a) A person that allows or causes the introduction of an animal that is a prohibited  
7.5 invasive, regulated invasive, or unlisted nonnative species shall, within 24 hours after  
7.6 learning of the introduction, notify the commissioner, a conservation officer, or another  
7.7 person designated by the commissioner. The person shall make every reasonable attempt  
7.8 to recapture or destroy the introduced animal. If the animal is a prohibited invasive  
7.9 species, the person is liable for the actual costs incurred by the department in capturing or  
7.10 controlling, or attempting to capture or control, the animal and its progeny. If the animal is  
7.11 a regulated invasive species, the person is liable for these costs if the introduction was in  
7.12 violation of the person's permit issued under section 84D.11.

7.13 (b) A person may not release swine from captivity and allow the swine to be  
7.14 introduced into the wild. A person that allows or causes the introduction of swine shall,  
7.15 within 24 hours after learning of the introduction, notify the commissioner, a conservation  
7.16 officer, or another person designated by the commissioner. The person shall make every  
7.17 reasonable attempt to recapture or destroy the introduced animal.

7.18 (c) A person that complies with this section is not subject to criminal penalties  
7.19 under section 84D.13 for the introduction.

7.20 Sec. 13. Minnesota Statutes 2010, section 84D.11, subdivision 2a, is amended to read:

7.21 Subd. 2a. **Harvest of bait from infested waters.** The commissioner may issue a  
7.22 permit to allow the harvest of bait:

7.23 (1) from waters that are designated as infested waters, except those designated  
7.24 because they contain prohibited invasive species of fish or certifiable diseases of fish as  
7.25 defined in section 17.4982, subdivision 6; and

7.26 (2) from infested waters as allowed under section 97C.341, paragraph (c).

7.27 The permit shall include conditions necessary to avoid spreading aquatic invasive  
7.28 species. Before receiving a permit, a person annually must satisfactorily complete aquatic  
7.29 invasive species-related training provided by the commissioner.

7.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.31 Sec. 14. Minnesota Statutes 2010, section 84D.14, is amended to read:

7.32 **84D.14 EXEMPTIONS.**

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8.1 This chapter does not apply to:

8.2 (1) pathogens and terrestrial arthropods regulated under sections 18G.01 to 18G.15;

8.3 or

8.4 (2) mammals and birds defined by statute as livestock, except for swine as provided  
8.5 under section 84D.08, paragraph (b).

8.6 Sec. 15. Minnesota Statutes 2010, section 97A.015, subdivision 24, is amended to read:

8.7 Subd. 24. **Game birds.** "Game birds" means migratory waterfowl, ring-necked  
8.8 pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray  
8.9 partridge, bobwhite quail, wild turkeys, coots, gallinules, sora and Virginia rails, mourning  
8.10 dove, sandhill crane, American woodcock, and common snipe.

8.11 Sec. 16. Minnesota Statutes 2010, section 97A.015, subdivision 49, is amended to read:

8.12 Subd. 49. **Undressed bird.** "Undressed bird" means:

8.13 (1) a bird, excluding ~~migratory waterfowl~~, a pheasant, Hungarian partridge, wild  
8.14 turkey, or ~~grouse duck~~, with ~~feet and a fully~~ feathered ~~head~~ wing intact;

8.15 (2) a ~~migratory waterfowl, excluding geese, duck~~ with a fully feathered wing and  
8.16 head attached; or

8.17 (3) a pheasant, Hungarian partridge, or wild turkey, ~~or grouse~~ with one leg and foot  
8.18 ~~or the fully feathered head or wing~~ intact; or

8.19 (4) a ~~goose with a fully feathered wing attached.~~

8.20 Sec. 17. Minnesota Statutes 2010, section 97A.015, subdivision 52, is amended to read:

8.21 Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow,  
8.22 blackbird, starling, magpie, cormorant, common pigeon, Eurasian collared dove, chukar  
8.23 partridge, quail other than bobwhite quail, and mute swan.

8.24 Sec. 18. Minnesota Statutes 2010, section 97A.015, subdivision 55, is amended to read:

8.25 Subd. 55. **Wild animals.** "Wild animals" means all ~~living~~ creatures, whether dead or  
8.26 alive, not human, wild by nature, endowed with sensation and power of voluntary motion,  
8.27 and includes mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

8.28 Sec. 19. Minnesota Statutes 2010, section 97A.028, subdivision 3, is amended to read:

8.29 Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of  
8.30 this subdivision, "cooperative damage management agreement" means an agreement  
8.31 between a landowner or tenant and the commissioner that establishes a program for



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9.1 addressing the problem of destruction of the landowner's or tenant's specialty crops or  
9.2 stored forage crops by wild animals, ~~or~~ destruction of agricultural crops by flightless  
9.3 Canada geese, or destruction of agricultural crops or pasture by elk within the native elk  
9.4 range, as determined by the commissioner.

9.5 (b) A landowner or tenant may apply to the commissioner for emergency deterrent  
9.6 materials assistance in controlling destruction of the landowner's or tenant's specialty  
9.7 crops or stored forage crops by wild animals, ~~or~~ destruction of agricultural crops by  
9.8 flightless Canada geese, or destruction of agricultural crops or pasture by elk within the  
9.9 native elk range, as determined by the commissioner. Subject to the availability of money  
9.10 appropriated for this purpose, the commissioner shall provide suitable deterrent materials  
9.11 when the commissioner determines that:

9.12 (1) immediate action is necessary to prevent significant damage from continuing; and

9.13 (2) a cooperative damage management agreement cannot be implemented  
9.14 immediately.

9.15 (c) A person may receive emergency deterrent materials assistance under this  
9.16 subdivision more than once, but the cumulative total value of deterrent materials provided  
9.17 to a person, or for use on a parcel, may not exceed ~~\$3,000~~ \$5,000 for specialty crops, ~~\$750~~  
9.18 \$1,500 for protecting stored forage crops, or ~~\$500~~ \$1,000 for agricultural crops damaged  
9.19 by flightless Canada geese. The value of deterrent materials provided to a person to help  
9.20 protect stored forage crops, agricultural crops, or pasture from damage by elk may not  
9.21 exceed \$5,000. If a person is a co-owner or cotenant with respect to the ~~specialty~~ crops  
9.22 for which the deterrent materials are provided, the deterrent materials are deemed to be  
9.23 "provided" to the person for the purposes of this paragraph.

9.24 (d) As a condition of receiving emergency deterrent materials assistance under this  
9.25 subdivision, a landowner or tenant shall enter into a cooperative damage management  
9.26 agreement with the commissioner. Deterrent materials provided by the commissioner may  
9.27 include repellents, fencing materials, or other materials recommended in the agreement  
9.28 to alleviate the damage problem. If requested by a landowner or tenant, any fencing  
9.29 materials provided must be capable of providing long-term protection of specialty crops.  
9.30 A landowner or tenant who receives emergency deterrent materials assistance under  
9.31 this subdivision shall comply with the terms of the cooperative damage management  
9.32 agreement.

9.33 Sec. 20. Minnesota Statutes 2010, section 97A.101, subdivision 3, is amended to read:

9.34 Subd. 3. **Fishing may not be restricted.** Seasons or methods of taking fish other  
9.35 than minnows may not be restricted under this section.

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10.1 Sec. 21. Minnesota Statutes 2010, section 97A.145, subdivision 2, is amended to read:

10.2 Subd. 2. **Acquisition procedure.** (a) Lands purchased or leased under this section  
10.3 must be acquired in accordance with this subdivision.

10.4 (b) The commissioner must notify the county board and the town officers where the  
10.5 land is located and furnish them a description of the land to be acquired. The county board  
10.6 must approve or disapprove the proposed acquisition within 90 days after being notified.  
10.7 The commissioner may extend the time up to 30 days. The soil and water conservation  
10.8 district supervisors shall counsel the county board on drainage and flood control and the  
10.9 best utilization and capability of the land.

10.10 (c) If the county board approves the acquisition within the prescribed time, the  
10.11 commissioner may acquire the land.

10.12 (d) If the county board disapproves the acquisition, it must state valid reasons.  
10.13 The commissioner may not purchase or lease the land if the county board disapproves  
10.14 the acquisition and states its reasons within the prescribed time period. The landowner  
10.15 or the commissioner may appeal the disapproval to the district court having jurisdiction  
10.16 where the land is located.

10.17 (e) The commissioner or the owner of the land may submit the proposed acquisition  
10.18 to the Land Exchange Board if: (1) the county board does not give reason for disapproval,  
10.19 or does not approve or disapprove the acquisition within the prescribed time period; or  
10.20 (2) the court finds commissioner or owner of the land maintains that the disapproval is  
10.21 arbitrary and capricious, ~~or~~ that the reasons stated for disapproval are invalid, or that the  
10.22 acquisition is in the public interest.

10.23 (f) The Land Exchange Board must conduct a hearing and make a decision on  
10.24 the acquisition within 60 days after receiving the proposal. The Land Exchange Board  
10.25 must give notice of the hearing to the county board, the commissioner, the landowner,  
10.26 and other interested parties. The Land Exchange Board must consider the interests of the  
10.27 county, the state, and the landowner in determining whether the acquisition is in the public  
10.28 interest. If a majority of the Land Exchange Board members approves the acquisition,  
10.29 the commissioner may acquire the land. If a majority disapproves, the commissioner  
10.30 may not purchase or lease the land.

10.31 Sec. 22. Minnesota Statutes 2010, section 97A.311, subdivision 5, is amended to read:

10.32 Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not  
10.33 including any issuing fees paid under section 97A.485, subdivision 6, if the request is  
10.34 received within 90 days of the original license purchase and:

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11.1 (1) the licensee dies before the opening of the licensed season. The original license  
11.2 and a copy of the death certificate must be provided to the commissioner;

11.3 (2) the licensee is unable to participate in the licensed activity because the licensee is  
11.4 called to active military duty or military leave is canceled during the entire open season of  
11.5 the licensed activity. The original license and a copy of the military orders or notice of  
11.6 cancellation of leave must be provided to the commissioner; ~~or~~

11.7 (3) the licensee purchased two licenses for the same license season in error; or

11.8 (4) the licensee was not legally required to purchase the license to participate  
11.9 in the activity.

11.10 (b) This subdivision does not apply to lifetime licenses.

11.11 Sec. 23. Minnesota Statutes 2010, section 97A.321, subdivision 1, is amended to read:

11.12 Subdivision 1. **Owner responsibility; penalty amount.** The owner of a dog that  
11.13 pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each  
11.14 violation. The owner of a dog that kills or mortally wounds a big game animal is subject  
11.15 to a civil penalty of \$500 for each violation.

11.16 Sec. 24. Minnesota Statutes 2010, section 97A.331, is amended by adding a  
11.17 subdivision to read:

11.18 Subd. 4a. **Hunting big game while under revocation.** Notwithstanding section  
11.19 97A.421, subdivision 7, a person who takes big game during the time the person is  
11.20 prohibited from obtaining a license to take big game under section 97A.421 is guilty  
11.21 of a gross misdemeanor.

11.22 Sec. 25. Minnesota Statutes 2010, section 97A.405, subdivision 2, is amended to read:

11.23 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from  
11.24 an area where a licensed activity was performed must have in personal possession either:  
11.25 (1) the proper license, if the license has been issued to and received by the person; or (2)  
11.26 the proper license identification number or stamp validation, if the license has been sold to  
11.27 the person by electronic means but the actual license has not been issued and received.

11.28 (b) If possession of a license or a license identification number is required, a person  
11.29 must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper  
11.30 license if the license has been issued to and received by the person; or (2) the proper  
11.31 license identification number or stamp validation and a valid state driver's license, state  
11.32 identification card, or other form of identification provided by the commissioner, if the  
11.33 license has been sold to the person by electronic means but the actual license has not been

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12.1 issued and received. A person charged with violating the license possession requirement  
12.2 shall not be convicted if the person produces in court or the office of the arresting officer,  
12.3 the actual license previously issued to that person, which was valid at the time of arrest,  
12.4 or satisfactory proof that at the time of the arrest the person was validly licensed. Upon  
12.5 request of a conservation officer or peace officer, a licensee shall write the licensee's name  
12.6 in the presence of the officer to determine the identity of the licensee.

12.7 (c) If the actual license has been issued and received, a receipt for license fees, a  
12.8 copy of a license, or evidence showing the issuance of a license, including the license  
12.9 identification number or stamp validation, does not entitle a licensee to exercise the rights  
12.10 or privileges conferred by a license.

12.11 (d) A license issued electronically and not immediately provided to the licensee  
12.12 shall be mailed to the licensee within 30 days of purchase of the license. A pictorial  
12.13 migratory waterfowl, pheasant, trout and salmon, or walleye stamp shall be provided to  
12.14 the licensee after purchase of a stamp validation only if the licensee pays an additional ~~\$2~~  
12.15 fee that covers the costs of producing and mailing a pictorial stamp. A pictorial turkey  
12.16 stamp may be purchased for a ~~\$2~~ fee: that covers the costs of producing and mailing the  
12.17 pictorial stamp. Notwithstanding section 16A.1283, the commissioner may, by written  
12.18 order published in the State Register, establish fees for providing the pictorial stamps.  
12.19 The fees must be set in an amount that does not recover significantly more or less than  
12.20 the cost of producing and mailing the stamps. The fees are not subject to the rulemaking  
12.21 provisions of chapter 14, and section 14.386 does not apply.

12.22 Sec. 26. Minnesota Statutes 2010, section 97A.415, subdivision 2, is amended to read:

12.23 Subd. 2. **Transfer prohibited.** A person may not lend, transfer, borrow, or solicit  
12.24 a license or permit, license identification number, application for a license or permit,  
12.25 coupon, tag, or seal, or use a license, permit, license identification number, coupon, tag,  
12.26 or seal not issued to the person unless otherwise expressly authorized. A person may  
12.27 transfer a license, as prescribed by the commissioner, for use by a person with a severe  
12.28 disability or critical illness who is participating in a hunting or fishing program sponsored  
12.29 by a nonprofit organization.

12.30 Sec. 27. Minnesota Statutes 2010, section 97A.425, subdivision 3, is amended to read:

12.31 Subd. 3. **Reports.** Except for persons licensed to mount specimens of wild  
12.32 animals, an annual report covering the preceding license year must be submitted to the  
12.33 commissioner by March 15. The commissioner may require other reports for statistical  
12.34 purposes. The reports must be on forms supplied or approved by the commissioner.

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13.1 Sec. 28. Minnesota Statutes 2010, section 97A.433, is amended by adding a  
13.2 subdivision to read:

13.3 Subd. 5. **Mandatory separate selection.** The commissioner must conduct  
13.4 a separate selection for 20 percent of the elk licenses to be issued each year. Only  
13.5 individuals who have applied at least ten times for an elk license and who have never  
13.6 received a license are eligible for this separate selection.

13.7 Sec. 29. Minnesota Statutes 2010, section 97A.435, subdivision 1, is amended to read:

13.8 Subdivision 1. ~~Number of licenses to be issued~~ **License issuance.** The  
13.9 commissioner shall include in ~~a rule setting the dates for a turkey season the number of~~  
13.10 ~~licenses to be issued~~ rules setting turkey seasons the methods for issuing licenses for  
13.11 those seasons.

13.12 Sec. 30. Minnesota Statutes 2010, section 97A.445, subdivision 1a, is amended to read:

13.13 Subd. 1a. **Angling in a state park.** (a) A resident may take fish by angling without  
13.14 an angling license:

13.15 (1) when shore fishing or wading on state-owned land within a state park; or

13.16 (2) when angling from a boat or float; ~~this subdivision applies only to those~~ or  
13.17 through the ice on water bodies completely encompassed within the statutory boundary of  
13.18 the state park.

13.19 (b) The exemption from an angling license does not apply to waters where a trout  
13.20 stamp is required.

13.21 Sec. 31. Minnesota Statutes 2010, section 97A.475, subdivision 2, is amended to read:

13.22 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents  
13.23 only, are:

13.24 (1) for persons age 18 or over and under age 65 to take small game, \$12.50;

13.25 (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

13.26 (3) for persons age 18 or over to take turkey, \$23;

13.27 (4) for persons under age 18 to take turkey, \$12;

13.28 (5) for persons age 18 or over to take deer with firearms during the regular firearms  
13.29 season, \$26;

13.30 (6) for persons age 18 or over to take deer by archery, \$26;

13.31 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
13.32 season, \$26;

13.33 (8) to take moose, for a party of not more than six persons, \$310;

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- 14.1 (9) to take bear, \$38;
- 14.2 (10) to take elk, for a party of not more than two persons, \$250;
- 14.3 (11) to take Canada geese during a special season, \$4;
- 14.4 (12) to take prairie chickens, \$20;
- 14.5 (13) for persons under age 18 to take deer with firearms during the regular firearms
- 14.6 season, \$13;
- 14.7 (14) for persons under age 18 to take deer by archery, \$13;~~and~~
- 14.8 (15) for persons under age 18 to take deer by muzzleloader during the muzzleloader
- 14.9 season, \$13~~;~~ and
- 14.10 (16) to take sandhill cranes, \$4.

14.11 Sec. 32. Minnesota Statutes 2010, section 97A.475, subdivision 3, is amended to read:

14.12 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued

14.13 to nonresidents, are:

- 14.14 (1) for persons age 18 or over to take small game, \$73;
- 14.15 (2) for persons age 18 or over to take deer with firearms during the regular firearms
- 14.16 season, \$135;
- 14.17 (3) for persons age 18 or over to take deer by archery, \$135;
- 14.18 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
- 14.19 season, \$135;
- 14.20 (5) to take bear, \$195;
- 14.21 (6) for persons age 18 and older to take turkey, \$78;
- 14.22 (7) for persons under age 18 to take turkey, \$12;
- 14.23 (8) to take raccoon or bobcat, \$155;
- 14.24 (9) to take Canada geese during a special season, \$4;
- 14.25 (10) for persons under age 18 to take deer with firearms during the regular firearms
- 14.26 season in any open season option or time period, \$13;
- 14.27 (11) for persons under age 18 to take deer by archery, \$13;~~and~~
- 14.28 (12) for persons under age 18 to take deer during the muzzleloader season, \$13~~;~~ and
- 14.29 (13) to take sandhill cranes, \$4.

14.30 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under

14.31 paragraph (a), clauses (1) to (8). An additional commission may not be assessed on this

14.32 surcharge.

14.33 Sec. 33. Minnesota Statutes 2010, section 97A.475, subdivision 7, is amended to read:

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15.1 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued  
15.2 to nonresidents, are:

15.3 (1) to take fish by angling, \$37.50;

15.4 (2) to take fish by angling limited to seven consecutive days selected by the licensee,  
15.5 \$26.50;

15.6 (3) to take fish by angling for a 72-hour period selected by the licensee, \$22;

15.7 (4) to take fish by angling for a combined license for a family for one or both parents  
15.8 and dependent children under the age of 16, \$50.50;

15.9 (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50;

15.10 (6) to take fish by angling for a combined license for a married couple, limited to 14  
15.11 consecutive days selected by one of the licensees, \$38.50; and

15.12 (7) to take fish by spearing from a dark house, \$37.50.

15.13 (b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses  
15.14 issued under paragraph (a), clause (5), and licenses purchased at the resident fee by  
15.15 nonresidents under age 16 under section 97A.451, subdivision 5, paragraph (b). An  
15.16 additional commission may not be assessed on this surcharge.

15.17 Sec. 34. Minnesota Statutes 2010, section 97A.505, subdivision 2, is amended to read:

15.18 Subd. 2. **Possession of unlawful animals brought into state prohibited.** (a) A  
15.19 person may not possess a wild animal that has been unlawfully taken, bought, sold, or  
15.20 possessed outside the state, or unlawfully shipped into the state.

15.21 (b) When entering the state from Canada, a person who possesses fish that were  
15.22 unlawfully taken or possessed under paragraph (a) may be charged in the same manner as  
15.23 for possessing fish that were unlawfully taken or possessed in the state.

15.24 Sec. 35. Minnesota Statutes 2010, section 97A.545, subdivision 5, is amended to read:

15.25 Subd. 5. **Birds must be in undressed condition; exceptions.** (a) Except as  
15.26 provided in paragraph (b), a person may ship or otherwise transport game birds in an  
15.27 undressed condition only.

15.28 (b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

15.29 (1) were taken on a shooting preserve and are marked or identified in accordance  
15.30 with section 97A.121, subdivision 5;

15.31 (2) were taken, dressed, and lawfully shipped or otherwise transported in another  
15.32 state; ~~or~~

15.33 (3) are migratory game birds that were lawfully tagged and packed by a federally  
15.34 permitted migratory bird preservation facility; or

16.1 (4) are doves shipped or transported in accordance with federal law.

16.2 Sec. 36. [97B.0215] PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.

16.3 A parent or guardian may not knowingly direct, allow, or permit a person under the  
16.4 age of 18 to hunt without the required license, permit, training, or certification, or in  
16.5 violation of the game and fish laws.

16.6 Sec. 37. Minnesota Statutes 2010, section 97B.022, subdivision 2, is amended to read:

16.7 Subd. 2. **Apprentice hunter validation requirements.** A resident born after  
16.8 December 31, 1979, who is age 12 or ~~older~~ over and who does not possess a hunter  
16.9 education firearms safety certificate may be issued an apprentice hunter validation. An  
16.10 apprentice hunter validation ~~is valid for only one~~ may be purchased two license year years  
16.11 in a lifetime and used to obtain hunting licenses during the same license year that the  
16.12 validation is purchased. An individual in possession of an apprentice hunter validation  
16.13 may hunt small game ~~and~~ deer, and bear only when accompanied by an adult licensed to  
16.14 hunt in Minnesota whose license was not obtained using an apprentice hunter validation.  
16.15 An apprentice hunter validation holder must obtain all required licenses and stamps.

16.16 Sec. 38. Minnesota Statutes 2010, section 97B.031, subdivision 5, is amended to read:

16.17 Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law  
16.18 to the contrary, the commissioner may issue a special permit, without a fee, to use a  
16.19 muzzleloader with a scope to take deer during the muzzleloader season to a person who  
16.20 obtains the required licenses and who has a visual impairment. The scope may not have  
16.21 magnification capabilities.

16.22 (b) The visual impairment must be to the extent that the applicant is unable to  
16.23 identify targets and the rifle sights at the same time without a scope. The visual impairment  
16.24 and specific conditions must be established by medical evidence verified in writing by  
16.25 (1) a licensed physician; or a certified nurse practitioner or certified physician assistant  
16.26 acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3)  
16.27 a licensed optometrist. The commissioner may request additional information from the  
16.28 physician if needed to verify the applicant's eligibility for the permit.

16.29 (c) A permit issued under this subdivision may be valid for up to five years, based  
16.30 on the permanence of the visual impairment as determined by the licensed physician,  
16.31 ophthalmologist, or optometrist.

16.32 (d) The permit must be in the immediate possession of the permittee when hunting  
16.33 under the special permit.



17.1 (e) The commissioner may deny, modify, suspend, or revoke a permit issued under  
17.2 this subdivision for cause, including a violation of the game and fish laws or rules.

17.3 (f) A person who knowingly makes a false application or assists another in making  
17.4 a false application for a permit under this subdivision is guilty of a misdemeanor. A  
17.5 physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or  
17.6 optometrist who fraudulently certifies to the commissioner that a person is visually  
17.7 impaired as described in this subdivision is guilty of a misdemeanor.

17.8 Sec. 39. Minnesota Statutes 2010, section 97B.041, is amended to read:

17.9 **97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED**  
17.10 **IN DEER ZONES.**

17.11 (a) A person may not possess a firearm or ammunition outdoors during the period  
17.12 beginning the fifth day before the open firearms season and ending the second day after  
17.13 the close of the season within an area where deer may be taken by a firearm, except:

17.14 (1) during the open season and in an area where big game may be taken, a firearm  
17.15 and ammunition authorized for taking big game in that area may be used to take big game  
17.16 in that area if the person has a valid big game license in possession;

17.17 (2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

17.18 (3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot  
17.19 or steel shot;

17.20 (4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber,  
17.21 including .22 magnum caliber cartridges;

17.22 (5) handguns possessed by a person authorized to carry a handgun under sections  
17.23 624.714 and 624.715 for the purpose authorized; and

17.24 (6) on a target range operated under a permit from the commissioner.

17.25 (b) This section does not apply during an open firearms season in an area where deer  
17.26 may be taken only by muzzleloader, except that muzzleloading firearms lawful for the  
17.27 taking of deer may be possessed only by persons with a valid license to take deer by  
17.28 muzzleloader, and those persons may not possess a firearm other than a muzzleloader legal  
17.29 for taking deer under section 97B.031, subdivision 1, or a handgun under paragraph (a),  
17.30 clause (4) or (5), when muzzleloader hunting during ~~that~~ the muzzleloader season.

17.31 Sec. 40. Minnesota Statutes 2010, section 97B.055, subdivision 3, is amended to read:

17.32 Subd. 3. **Hunting from vehicle by disabled hunters.** (a) The commissioner may  
17.33 issue a special permit, without a fee, to discharge a firearm or bow and arrow from a  
17.34 stationary motor vehicle to a person who obtains the required licenses and who has a

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18.1 permanent physical disability that is more substantial than discomfort from walking. The  
18.2 permit recipient must be:

18.3 (1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or  
18.4 other mechanical support or prosthetic device; or

18.5 (2) unable to walk any distance because of a permanent lung, heart, or other internal  
18.6 disease that requires the person to use supplemental oxygen to assist breathing.

18.7 (b) The permanent physical disability must be established by medical evidence  
18.8 verified in writing by a licensed physician ~~or~~ chiropractor, or certified nurse practitioner  
18.9 or certified physician assistant acting under the direction of a licensed physician. The  
18.10 commissioner may request additional information from the physician or chiropractor  
18.11 if needed to verify the applicant's eligibility for the permit. Notwithstanding section  
18.12 97A.418, the commissioner may, in consultation with appropriate advocacy groups,  
18.13 establish reasonable minimum standards for permits to be issued under this section. In  
18.14 addition to providing the medical evidence of a permanent disability, the applicant must  
18.15 possess a valid disability parking certificate authorized by section 169.345 or license  
18.16 plates issued under section 168.021.

18.17 (c) A person issued a special permit under this subdivision and hunting deer may  
18.18 take a deer of either sex, except in those antlerless permit areas and seasons where no  
18.19 antlerless permits are offered. This subdivision does not authorize another member of a  
18.20 party to take an antlerless deer under section 97B.301, subdivision 3.

18.21 (d) A permit issued under this subdivision is valid for five years.

18.22 (e) The commissioner may deny, modify, suspend, or revoke a permit issued under  
18.23 this section for cause, including a violation of the game and fish laws or rules.

18.24 (f) A person who knowingly makes a false application or assists another in making a  
18.25 false application for a permit under this section is guilty of a misdemeanor. A physician,  
18.26 certified nurse practitioner, certified physician assistant, or chiropractor who fraudulently  
18.27 certifies to the commissioner that a person is permanently disabled as described in this  
18.28 section is guilty of a misdemeanor.

18.29 (g) Notwithstanding paragraph (d), the commissioner may issue a permit valid for  
18.30 the entire life of the applicant if the commissioner determines that there is no chance  
18.31 that an applicant will become ineligible for a permit under this section and the applicant  
18.32 requests a lifetime permit.

18.33 Sec. 41. Minnesota Statutes 2010, section 97B.075, is amended to read:

18.34 **97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

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19.1 ~~(a) A person may not take protected wild animals, except raccoon and fox, with~~  
19.2 ~~a firearm between the evening and morning times established by commissioner's rule;~~  
19.3 ~~except as provided in this section.~~

19.4 ~~(b) Big game may be taken from one-half hour before sunrise until one-half hour~~  
19.5 ~~after sunset.~~

19.6 ~~(c) Except as otherwise prescribed by the commissioner on or before the Saturday~~  
19.7 ~~nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset~~  
19.8 ~~during the entire season prescribed by the commissioner. On the opening day of the duck~~  
19.9 ~~season, shooting hours for migratory game birds, except woodcock, begin at 9:00 a.m.~~

19.10 Sec. 42. Minnesota Statutes 2010, section 97B.106, subdivision 1, is amended to read:

19.11 Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may  
19.12 issue a special permit, without a fee, to take big game, small game, or rough fish with a  
19.13 crossbow to a person that is unable to hunt or take rough fish by archery because of a  
19.14 permanent or temporary physical disability. A crossbow permit issued under this section  
19.15 also allows the permittee to use a bow with a mechanical device that draws, releases, or  
19.16 holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

19.17 (b) To qualify for a crossbow permit under this section, a temporary disability  
19.18 must render the person unable to hunt or fish by archery for a minimum of two years  
19.19 after application for the permit is made. The permanent or temporary disability must  
19.20 be established by medical evidence, and the inability to hunt or fish by archery for the  
19.21 required period of time must be verified in writing by (1) a licensed physician or a certified  
19.22 nurse practitioner or certified physician assistant acting under the direction of a licensed  
19.23 physician; or (2) a licensed chiropractor. A person who has received a special permit  
19.24 under this section because of a permanent disability is eligible for subsequent special  
19.25 permits without providing medical evidence and verification of the disability.

19.26 (c) The person must obtain the appropriate license.

19.27 Sec. 43. Minnesota Statutes 2010, section 97B.325, is amended to read:

19.28 **97B.325 ~~DEER~~ BIG GAME STAND RESTRICTIONS.**

19.29 A person may not take ~~deer~~ big game from a constructed platform or other structure  
19.30 that is located within the right-of-way of an improved public highway or is higher than 16  
19.31 feet above the ground. The height restriction does not apply to a portable stand that is  
19.32 chained, belted, clamped, or tied with rope.

20.1 Sec. 44. Minnesota Statutes 2010, section 97B.405, is amended to read:

20.2 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

20.3 ~~(a)~~ The commissioner may limit the number of persons that may hunt bear in an  
20.4 area, if it is necessary to prevent an overharvest or improve the distribution of hunters.  
20.5 The commissioner may establish, by rule, a method, including a drawing, to impartially  
20.6 select the hunters for an area. The commissioner shall give preference to hunters that have  
20.7 previously applied and have not been selected.

20.8 ~~(b) In the case of a drawing, the commissioner shall allow a person to apply for a~~  
20.9 ~~permit in more than one area at the same time and rank the person's choice of area.~~

20.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

20.11 Sec. 45. Minnesota Statutes 2010, section 97B.515, is amended by adding a  
20.12 subdivision to read:

20.13 **Subd. 4. Taking elk causing damage or nuisance.** The commissioner may  
20.14 authorize licensed hunters to take elk that are causing damage or nuisance from August  
20.15 15 to March 1 under rules prescribed by the commissioner. The commissioner may issue  
20.16 licenses to hunters impartially selected from a list of elk hunt applicants who indicated on  
20.17 their application that they would be interested and available to respond to an elk damage  
20.18 or nuisance situation. Notwithstanding section 97A.433, subdivision 2, clause (2), a  
20.19 person receiving a license to hunt elk under this subdivision does not lose eligibility  
20.20 for future elk hunts.

20.21 Sec. 46. Minnesota Statutes 2010, section 97B.711, is amended by adding a subdivision  
20.22 to read:

20.23 **Subd. 4. Shooting grouse prohibited near motor vehicle.** A person in the vicinity  
20.24 of a motor vehicle may not discharge a firearm or an arrow from a bow at a grouse, or at a  
20.25 decoy of a grouse placed by an enforcement officer, unless the person is at least ten feet  
20.26 from the vehicle and the vehicle's engine is shut off. This subdivision does not apply to a  
20.27 person with a disability permit issued under section 97B.055, subdivision 3.

20.28 Sec. 47. **[97B.732] SANDHILL CRANE LICENSE REQUIRED.**

20.29 A person may not take a sandhill crane without a sandhill crane license.

20.30 Sec. 48. Minnesota Statutes 2010, section 97B.803, is amended to read:

20.31 **97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.**

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21.1 ~~(a)~~ The commissioner shall prescribe seasons, limits, and areas for taking migratory  
21.2 waterfowl in accordance with federal law.

21.3 ~~(b) The regular duck season may not open before the Saturday closest to October 1.~~

21.4 Sec. 49. Minnesota Statutes 2010, section 97C.005, subdivision 3, is amended to read:

21.5 Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance  
21.6 with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14,  
21.7 establish open seasons, limits, methods, and other requirements for taking fish on special  
21.8 management waters. The commissioner may, by written order published in the State  
21.9 Register, amend daily, possession, or size limits to make midseason adjustments based  
21.10 on available harvest, angling pressure, and population data to manage the fisheries in the  
21.11 1837 Ceded Territory in compliance with the court orders in Mille Lacs Band of Chippewa  
21.12 v. Minnesota, 119 S. Ct. 1187 (1999). The midseason adjustments in daily, possession, or  
21.13 size limits are not subject to the rulemaking provisions of chapter 14 and section 14.386  
21.14 does not apply. Before the written order is effective, the commissioner shall attempt to  
21.15 notify persons or groups of persons affected by the written order by public announcement,  
21.16 posting, and other appropriate means as determined by the commissioner.

21.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

21.18 Sec. 50. Minnesota Statutes 2010, section 97C.081, subdivision 3, is amended to read:

21.19 Subd. 3. **Contests requiring a permit.** (a) Unless subdivision 3a applies, a person  
21.20 must have a permit from the commissioner to conduct a fishing contest ~~that does not meet~~  
21.21 ~~the criteria in subdivision 2.~~ if:

21.22 (1) there are more than 25 boats for open water contests, more than 150 participants  
21.23 for ice fishing contests, or more than 100 participants for shore fishing contests;

21.24 (2) entry fees are more than \$25 per person; or

21.25 (3) the contest is limited to trout species.

21.26 (b) The commissioner shall charge a fee for the permit that recovers the costs of  
21.27 issuing the permit and of monitoring the activities allowed by the permit. Notwithstanding  
21.28 section 16A.1283, the commissioner may, by written order published in the State Register,  
21.29 establish contest permit fees. The fees are not subject to the rulemaking provisions of  
21.30 chapter 14 and section 14.386 does not apply.

21.31 ~~(b)~~ (c) The commissioner may require the applicant to furnish evidence of financial  
21.32 responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000  
21.33 if entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and  
21.34 if the applicant has either:

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22.1 (1) not previously conducted a fishing contest requiring a permit under this  
22.2 subdivision; or

22.3 (2) ever failed to make required prize awards in a fishing contest conducted by  
22.4 the applicant, ~~the commissioner may require the applicant to furnish the commissioner~~  
22.5 ~~evidence of financial responsibility in the form of a surety bond or bank letter of credit in~~  
22.6 ~~the amount of \$25,000.~~

22.7 ~~(e)~~ (d) The permit fee for any individual contest may not exceed the following  
22.8 amounts:

22.9 (1) \$60 for an open water contest not exceeding 50 boats and without off-site  
22.10 weigh-in;

22.11 (2) \$200 for an open water contest with more than 50 boats and without off-site  
22.12 weigh-in;

22.13 (3) \$250 for an open water contest not exceeding 50 boats with off-site weigh-in;

22.14 (4) \$500 for an open water contest with more than 50 boats with off-site weigh-in; or

22.15 (5) \$120 for an ice fishing contest with more than 150 participants.

22.16 Sec. 51. Minnesota Statutes 2010, section 97C.081, is amended by adding a  
22.17 subdivision to read:

22.18 Subd. 3a. **Contests without a permit.** A person may conduct a fishing contest  
22.19 without a permit from the commissioner if:

22.20 (1) the contest is not limited to specifically named waters;

22.21 (2) all the contest participants are age 18 years or under;

22.22 (3) the contest is limited to rough fish; or

22.23 (4) the total prize value is \$500 or less.

22.24 Sec. 52. Minnesota Statutes 2010, section 97C.087, subdivision 2, is amended to read:

22.25 Subd. 2. **Application for tag.** Application for special fish management tags must  
22.26 be accompanied by a \$5, nonrefundable application fee for each tag. A person may not  
22.27 make more than one tag application each calendar year. If a person makes more than one  
22.28 application, the person is ineligible for a special fish management tag for that ~~season~~  
22.29 calendar year after determination by the commissioner, without a hearing.

22.30 Sec. 53. Minnesota Statutes 2010, section 97C.205, is amended to read:

22.31 **97C.205 TRANSPORTING AND STOCKING FISH.**

22.32 (a) Except on the water body where taken, a person may not transport a live fish in a  
22.33 quantity of water sufficient to keep the fish alive, unless the fish:

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23.1 (1) is being transported under an aquaculture license as authorized under sections  
23.2 17.4985 and 17.4986;

23.3 (2) is being transported for a fishing contest weigh-in under section 97C.081;

23.4 (3) is a minnow being transported under section 97C.505 or 97C.515;

23.5 (4) is being transported by a commercial fishing license holder under section  
23.6 97C.821; or

23.7 (5) is being transported as otherwise authorized in this section or as prescribed for  
23.8 certifiable diseases under sections 17.46 to 17.4999.

23.9 (b) The commissioner may adopt rules to allow and regulate:

23.10 (1) the transportation of fish and fish eggs; and

23.11 (2) the stocking of waters with fish or fish eggs.

23.12 (c) The commissioner must allow the possession of fish on special management or  
23.13 experimental waters to be prepared as a meal on the ice or on the shore of that water  
23.14 body if the fish:

23.15 (1) were lawfully taken;

23.16 (2) have been packaged by a licensed fish packer; and

23.17 (3) do not otherwise exceed the statewide possession limits.

23.18 (d) The commissioner shall prescribe rules designed to encourage local sporting  
23.19 organizations to propagate game fish by using rearing ponds. The rules must:

23.20 (1) prescribe methods to acquire brood stock for the ponds by seining public waters;

23.21 (2) allow the sporting organizations to own and use seines and other necessary  
23.22 equipment; and

23.23 (3) prescribe methods for stocking the fish in public waters that give priority to the  
23.24 needs of the community where the fish are reared and the desires of the organization  
23.25 operating the rearing pond.

23.26 (e) A person age 16 or under may, for purposes of display in a home aquarium,  
23.27 transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white  
23.28 crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow,  
23.29 and brown bullheads taken by angling, except as otherwise ordered by the commissioner  
23.30 upon documentation of an emergency fish disease in Minnesota waters, as defined in  
23.31 section 17.4982, subdivision 9. No more than four of each species may be transported at  
23.32 any one time, and any individual fish can be no longer than ten inches in total length. The  
23.33 commissioner may, by written order published in the State Register, prohibit transportation  
23.34 of live fish under this paragraph to help prevent spread of an emergency fish disease  
23.35 documented to occur in Minnesota waters. The order is exempt from the rulemaking  
23.36 provisions of chapter 14 and section 14.386 does not apply.

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24.1 Sec. 54. Minnesota Statutes 2010, section 97C.311, subdivision 1, is amended to read:

24.2 Subdivision 1. **License required.** A person may not operate a charter boat and  
24.3 guide anglers on ~~Lake Superior or the St. Louis River Estuary~~ waters of the state for  
24.4 compensation without a fishing guide license. For purposes of this subdivision and section  
24.5 97A.475, subdivision 15, "St. Louis River Estuary" means the United States Coast Guard  
24.6 navigable waters of the lower St. Louis River to the Minnesota State Highway No. 23  
24.7 bridge.

24.8 Sec. 55. Minnesota Statutes 2010, section 97C.341, is amended to read:

24.9 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

24.10 (a) A person may not use live minnows imported from outside of the state, game  
24.11 fish, goldfish, or carp for bait. The commissioner may, by written order published in  
24.12 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on  
24.13 their use. The order is exempt from the rulemaking provisions of chapter 14 and section  
24.14 14.386 does not apply.

24.15 (b) A person may not import or possess live, frozen, or processed bait from known  
24.16 waters where viral hemorrhagic septicemia has been identified as being present, except as  
24.17 provided in paragraph (c). For purposes of this paragraph, "bait" includes fish, aquatic  
24.18 worms, amphibians, invertebrates, and insects used for ~~angling~~ taking wild animals in  
24.19 waters of the state.

24.20 (c) Cisco and rainbow smelt taken under rules adopted by the commissioner may  
24.21 be used as:

24.22 (1) fresh or frozen bait only on Lake Superior; or

24.23 (2) bait that has been processed to inactivate viral hemorrhagic septicemia in a  
24.24 manner prescribed by rules adopted by the commissioner.

24.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.26 Sec. 56. Minnesota Statutes 2010, section 604A.21, is amended by adding a  
24.27 subdivision to read:

24.28 **Subd. 7. State walk-in access program.** Land enrolled in a state-sponsored walk-in  
24.29 access program is deemed, for the purposes of sections 604A.20 to 604A.27, to be land that  
24.30 an owner has made available without charge for recreational purposes, notwithstanding  
24.31 any payments which may be made to the owner by the state for enrollment of the land in  
24.32 such program.



25.1 Sec. 57. **RULEMAKING.**

25.2 (a) The commissioner of natural resources shall amend Minnesota Rules, parts  
25.3 6242.0900, subpart 13, and 6242.1000, subpart 1, to allow an option for game farm  
25.4 licensees to use approved report and sales receipt formats.

25.5 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
25.6 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
25.7 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,  
25.8 section 14.388.

25.9 Sec. 58. **REPEALER.**

25.10 Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, and 4; 97A.015,  
25.11 subdivisions 26b, 27b, and 27c; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3;  
25.12 and 97C.081, subdivision 2, are repealed.